

Exhibit H

CRIMINAL DIVISION COURT MINUTE SBI#

DATE <u>9-27-16</u>		SYSTEM # <u>11 2 111</u>		DEFT # <u>103</u>	
STATE v. <u>Kevin Smith</u>					
IND/ACC # <u>15-05-523-I</u>		OFFENSE			
JUDGE <u>Delehey</u>		DEFENSE ATTY <u>J. Gottschalk</u>			
PROSECUTOR <u>S. Eife</u>		COURT SMART/REPORTER <u>K. [illegible]</u>			

EVENT		COMPLETED	SCHEDULED EVENT		SCHEDULED DATE
1 ST APPEARANCE			1 ST APPEARANCE		
ARRAIGNMENT		NOT HELD 506	ARRAIGNMENT		SCHEDULED TIME
ICDC FCDC DCDC			ICDC FCDC DCDC		
PRETRIAL CONF			PRETRIAL CONF		
TRIAL			TRIAL		
BAIL HEARING		POSTPONED	BAIL HEARING		JUDGE
SENTENCING			SENTENCING		
VOP		REASON	VOP		JUDGE
MOTION			MOTION		
OTHER <u>Dismissal</u> <input checked="" type="checkbox"/>			OTHER		

PLEA: ☐ NOT GUILTY ☐ GUILTY TO:

BENCH WARRANT: ☐ ISSUED ☐ RESCINDED TIME ☐ AM ☐ PM

BAIL: ☐ SET ☐ REDUCED ☐ CONTINUED ☐ DISCHARGED
Amount \$ ☐ FORFEITED ☐ REINSTATED

EXTRADITION: ☐ WILL NOT WAIVE ☐ WILL WAIVE - STATE

PTI TERMINATION: ☐ TERMINATED ☐ CONTINUED IN PTI ☐ PTI COMPLETED

PTI APPEAL: ☐ DENIED ☐ GRANTED PTI ☐ REMANDED CCMO FOR RECONSIDERATION

SENTENCE COUNT: ☐ EX-OFFICIO

PROBATION	Y	BCJ	DAYS	STATE PRISON	Y
ADTC	Y	CREDIT	GAP	PAROLE INELIG	
COMM. SVC.	HRS	FINE \$		VCCA \$	
SAFE \$		LETF \$	CTC \$	SUPER. FEE \$	P/M
AUTO \$		DEDR \$	LAB \$	TRANS FEES	
SCVTF \$		SANE \$	SOSF \$	DL SUSP	

RESTITUTION \$

DISMISSALS: 15-05-523-I

☐ CONCURRENT ☐ CONSECUTIVE TO:

WAIVER OF APPEAL () MUST PROVIDE DNA () ADVISED OF RIGHTS () OTHER:

Court grants Pros Motion to dismiss
Indictment dismissed in its entirety

Court orders defendant's immediate release

AGGRAVATING # MITIGATING #

RETURN TO BCJ OTHER: COURT CLERK



Judgment of Dismissal

Superior Court of New Jersey, BURLINGTON County

State of New Jersey

v.

Last Name

SMITH

First Name

KEVIN

Middle Name

Also Known As

Date of Birth

08/16/1971

SBI Number

Date(s) of Offense

09/11/2013

Date of Arrest

PROMIS Number

14 002791-003

Date Ind / Acc / Complt Filed

05/05/2015

Original Plea

☒ Not Guilty ☐ Guilty

Date of Original Plea

05/19/2015

Adjudication By

☐ Guilty Plea

☐ Jury Trial Verdict

☐ Non-Jury Trial Verdict

☒ Dismissed / Acquitted

Date: 09/27/2016

Original Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
15-05-00523-I	1	KIDNAPPING-FACILITATE CRIME/FLIGHT	2C:13-1B(1)	1
15-05-00523-I	2	KIDNAPPING-BODILY INJURY OR TERRORIZE VIC/ANOTHER	2C:13-1B(2)	1
15-05-00523-I	3	KIDNAPPING-FACILITATE CRIME/FLIGHT	2C:13-1B(1)	1
15-05-00523-I	4	KIDNAPPING-BODILY INJURY OR TERRORIZE VIC/ANOTHER	2C:13-1B(2)	1
15-05-00523-I	4	KIDNAPPING-FACILITATE CRIME/FLIGHT	2C:13-1B(1)	1
15-05-00523-I	4	KIDNAPPING-BODILY INJURY OR TERRORIZE VIC/ANOTHER	2C:13-1B(2)	1
(Cont...)		ROBBERY-INFLICTS BI OR USES FORCE - ARMED	2C:15-1A(1)	1

Final Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
--------------------	-------	-------------	---------	--------

Sentencing Statement

It is, therefore, on **ORDERED** and **ADJUDGED** that the defendant is sentenced as follows:
 Indictment 15-05-523-I is dismissed in its entirety as to defendant, Kevin Smith.

☐ It is further **ORDERED** that the sheriff deliver the defendant to the appropriate correctional authority.

Total Custodial Term

000 Years 00 Months 000 Days

Institution Name

Total Probation Term

00 Years 00 Months

State of New Jersey v.
SMITH, KEVIN

S.B.I. # _____ Ind / Acc / Compl # 15-05-00523-1

DEDR (N.J.S.A. 2C:35-15 and 2C:35-5.11)		Additional Conditions															
<p>A mandatory Drug Enforcement and Demand Reduction (DEDR) penalty is imposed for each count. (Write in number of counts for each degree.)</p> <p><input type="checkbox"/> DEDR penalty reduction granted (N.J.S.A. 2C:35-15a(2))</p> <table style="width: 100%;"> <tr> <th style="text-align: left;">Standard</th> <th style="text-align: left;">Doubled</th> </tr> <tr> <td>1st Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>2nd Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>3rd Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>4th Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>DP or _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>Petty DP _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> </table> <p style="text-align: right;">Total DEDR Penalty \$ _____</p> <p><input type="checkbox"/> The court further ORDERS that collection of the DEDR penalty be suspended upon defendant's entry into a residential drug program for the term of the program. (N.J.S.A. 2C:35-15e)</p>		Standard	Doubled	1st Degree _____ @ \$ _____	_____ @ \$ _____	2nd Degree _____ @ \$ _____	_____ @ \$ _____	3rd Degree _____ @ \$ _____	_____ @ \$ _____	4th Degree _____ @ \$ _____	_____ @ \$ _____	DP or _____ @ \$ _____	_____ @ \$ _____	Petty DP _____ @ \$ _____	_____ @ \$ _____	<p><input type="checkbox"/> The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for testing of the sample provided (N.J.S.A. 53:1-20.20 and N.J.S.A. 53:1-20.29).</p> <p><input type="checkbox"/> The defendant is hereby sentenced to community supervision for life (CSL) if offense occurred before 1/14/04 (N.J.S.A. 2C:43-6.4)</p> <p><input type="checkbox"/> The defendant is hereby sentenced to parole supervision for life (PSL) if offense occurred on or after 1/14/04 (N.J.S.A. 2C:43-6.4).</p> <p><input type="checkbox"/> The defendant is hereby ordered to serve a _____ year term of parole supervision, pursuant to the No Early Release Act (NERA), which term shall begin as soon as the defendant completes the sentence of incarceration (N.J.S.A. 2C:43-7.2).</p> <p><input type="checkbox"/> The court imposes a Drug Offender Restraining Order (DORO) (N.J.S.A. 2C:35-5.7h). DORO expires _____</p> <p><input type="checkbox"/> The court continues/imposes a Sex Offender Restraining Order (SORO) if the offense occurred on or after 8/7/07 (Nicole's Law N.J.S.A. 2C:14-12 or N.J.S.A. 2C:44-8).</p> <p><input type="checkbox"/> The court imposes a Stalking Restraining Order (N.J.S.A. 2C:12-10.1).</p>	
Standard	Doubled																
1st Degree _____ @ \$ _____	_____ @ \$ _____																
2nd Degree _____ @ \$ _____	_____ @ \$ _____																
3rd Degree _____ @ \$ _____	_____ @ \$ _____																
4th Degree _____ @ \$ _____	_____ @ \$ _____																
DP or _____ @ \$ _____	_____ @ \$ _____																
Petty DP _____ @ \$ _____	_____ @ \$ _____																
<p>Forensic Laboratory Fee (N.J.S.A. 2C:35-20) _____</p> <p>Offenses @ \$ _____</p>		<p>Total Lab Fee \$ _____</p>															
VCCO Assessment (N.J.S.A. 2C:43-3.1)																	
Counts	Number	Amount															
_____	_____ @	\$ 50.00															
_____	_____ @	\$ _____															
_____	_____ @	\$ _____															
_____	_____ @	\$ _____															
Total VCCO Assessment \$ _____																	
Vehicle Theft / Unlawful Taking Penalty (N.J.S.A. 2C:20-2.1)																	
Offense		Mandatory Penalty															
		\$ _____															
Offense Based Penalties																	
Penalty		Amount															
		\$ _____															
Other Fees and Penalties																	
<p>Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3.3)</p> <p><input type="checkbox"/> \$ _____</p>		<p>Safe Neighborhood Services Fund Assessment (N.J.S.A. 2C:43-3.2)</p> <p><input type="checkbox"/> Offenses @ \$ _____</p> <p style="text-align: right;">Total: \$ _____</p>															
<p>Probation Supervision Fee (N.J.S.A. 2C:45-1d)</p> <p><input type="checkbox"/> \$ _____</p>		<p>Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3.6)</p> <p><input type="checkbox"/> Offenses @ \$ _____</p> <p style="text-align: right;">Total \$ _____</p>															
<p>Transaction Fee (N.J.S.A. 2C:46-1.1)</p> <p><input type="checkbox"/> _____</p>																	
<p>Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4)</p> <p><input type="checkbox"/> \$ _____</p>		<p>Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7)</p> <p><input type="checkbox"/> \$ _____</p>															
<p>Fine</p> <p>\$ _____</p>		<p>Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10)</p> <p><input type="checkbox"/> \$ _____</p>															
<p>Restitution Joint & Several</p> <p>\$ _____ <input type="checkbox"/></p>		<p>Total Financial Obligation</p> <p>\$ _____</p>															
Details																	
License Suspension																	
<p><input type="checkbox"/> CDS / Paraphernalia (N.J.S.A. 2C:35-16)</p> <p><input type="checkbox"/> Auto Theft / Unlawful Taking (N.J.S.A. 2C:20-2.1)</p> <p><input type="checkbox"/> Eluding (N.J.S.A. 2C:29-2)</p> <p><input type="checkbox"/> Other _____</p>		<p><input type="checkbox"/> Non-resident driving privileges revoked</p>															
Number of Months		Start Date															
		End Date															
Details																	
Driver's License Number		Jurisdiction															
If the court is unable to collect the license, complete the following:																	
Defendant's Address																	
City		State	Zip														
Date of Birth	Sex	Eye Color															
	<input type="checkbox"/> M <input type="checkbox"/> F																

State of New Jersey v.
SMITH, KEVIN

S.B.I. #

Ind / Acc / Complt # 15-05-00523-I

Time Credits**Time Spent in Custody**

R. 3:21-8

Date: From - To

-
-
-
-
-
-
-
-

Total Number of Days

Gap Time Spent in Custody

N.J.S.A. 2C:44-5b(2)

Date: From - To

-
-
-

Total Number of Days

Rosado Time

Date: From - To

-
-
-

Total Number of Days

Prior Service Credit

Date: From - To

-
-
-
-
-
-
-

Total Number of Days

Statement of Reasons - Include all applicable aggravating and mitigating factors

Form Prepared By

LAURA ROCHE

Preparer Telephone Number

(609) 518-2712

Attorney for Defendant at Sentencing

JENNIFER L GOTTSCHALK

Public Defender

☐ Yes ☒ No

Prosecutor at Sentencing

STEVEN EIFE

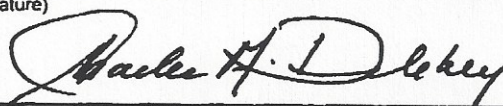
Deputy Attorney General

☐ Yes ☒ No

Judge at Sentencing

CHARLES DELEHEY, J.S.C.

Judge (Signature)



Date

9/27/16

State of New Jersey v.
SMITH, KEVIN

S.B.I. #

Ind / Acc / Compl # 15-05-00523-I

Continuation**ORIGINAL CHARGES (Cont.)**

Ind / Acc / Compl	Count	Description	Statute	Degree
15-05-00523-I	5	BURGLARY-ENTERING STRUCTURE ETC-INFLICT/ATTEMPT BI/ARMED	2C:18-2A(1)	2
15-05-00523-I	6	AGG ASSAULT-ATTEMPT/CAUSE SBI PURP/KNOW/RECKLESS	2C:12-1B(1)	2
15-05-00523-I	7	AGG SEX ASSAULT-DURING ROBBERY/KIDNAP/HOMICIDE/ETC.	2C:14-2A(3)	1
15-05-00523-I	8	AGG SEX ASSAULT-DURING ROBBERY/KIDNAP/HOMICIDE/ETC.	2C:14-2A(3)	1
15-05-00523-I	9	POSS OF WEAPON FOR UNLAWFUL PURPOSE-FIREARM-ANYONE	2C:39-4A(1)	2
15-05-00523-I	10	UNLAWFUL POSS WEAPON-HANDGUNS WITHOUT PERMIT	2C:39-5B(1)	2
15-05-00523-I	11	CERT PERSON NOT TO HAVE WEAP PRIOR CONV 2C:16-1, ETC.	2C:39-7B(1)	2